

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LUKE ALLEN,)
)
Petitioner,)
)
v.) 1:06CV627
) 1:99CR277-1
UNITED STATES OF AMERICA,)
)
Respondent.)

O R D E R

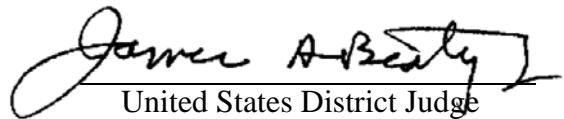
On July 20, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections to the Recommendation within the time limit prescribed by Section 636.

The Court has reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that petitioner's submission is construed as an attempt by petitioner to file a second or successive Section 2255 action.

IT IS FURTHER ORDERED that this action is dismissed due to petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2241 and 2255 and Fourth Circuit Local Rule 22(d), and that finding no substantial issue for

appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.



James A. Beary, Jr.
United States District Judge

November 1, 2006